



Legal Update

December 2015

An Act Relative to Trafficking Fentanyl

Chapter 136 of the Acts of 2014 was enacted into law on November 24, 2015.

Section 32E of chapter 94C of the General Laws, is amended by inserting the additional sections listed below:

(c½) Any person who trafficks in fentanyl, by knowingly or intentionally manufacturing, distributing, dispensing or possessing with intent to manufacture, distribute or dispense or by bringing into the commonwealth a net weight of more than 10 grams of fentanyl shall be punished by a term of imprisonment in state prison for not more than 20 years.

For purposes of this subsection, “fentanyl” shall include any derivative of fentanyl and any mixture containing more than 10 grams of fentanyl or a derivative of fentanyl.

Commentary: The minimum mandatory sentencing portion of this bill, which was initially sent out in a prior legal update was removed in an amendment. For a policing perspective, this act makes it illegal to traffick more than 10 grams of fentanyl or any derivative of fenantyl or mixture containing more than 10 grams.

For specific guidance on the application of these cases or any law, please consult with your supervisor or your department’s legal advisor or prosecutor.